

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT



Amendment of Final Order

BZA Application No. 14467, of the Protestant Episcopal Cathedral Foundation of the District of Columbia, pursuant to Sub-section 8207.2 of the Zoning Regulations for a special exception under Paragraphs 3101.41 and 3101.42 to construct an addition to the existing elementary and kindergarten school in an R-1-B District at premises 3500 Woodley Road, N.W., Square 1944, Lot 815.

HEARING DATE: July 23, 1986

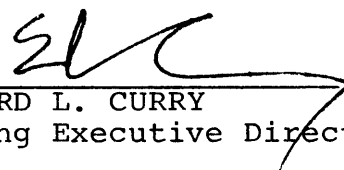
DECISION DATE: July 23, 1986 (Bench Decision)

The final order of the Board in this application is dated August 29, 1986. A representative of the applicant thereafter requested the staff of the Board to review the record to determine if conditions number 1 and 2, as set forth in the final order, accurately state the intention of the Board. Based upon the review and report of the staff, and the bench decision dated July 23, 1986, the Board has determined that conditions numbered 1 and 2 as previously entered, do not accurately reflect the decision of the Board on July 23, 1986, and that the error is clerical in nature, and therefore within the inherent authority of the Board to correct. Accordingly, the Board ORDERS that its August 29, 1986 order in this application be corrected, nunc pro tunc, by amending conditions numbered 1 and 2 to read as follows:

1. Student enrollment shall not exceed 400 students.
2. The number of faculty and staff shall not be increased from 59.

BY ORDER OF THE D.C. BOARD OF ZONING ADJUSTMENT

ATTESTED BY:


EDWARD L. CURRY
Acting Executive Director

FINAL DATE OF AMENDMENT OF ORDER: _____

OCT 17 1986

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT



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HEARING DATE: July 23, 1986

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FINDINGS OF FACT:

1. The premises is located on the grounds of the National Cathedral and is known as 3500 Woodley Road, N.W. The National Cathedral grounds are bounded by Woodley Road to the north, Garfield Street to the south, 34 Street, to the east, Wisconsin Avenue to the west, and Massachusetts Avenue to the southwest. The site is in an R-1-B District, Square 1944, Lot 815.

2. The National Cathedral grounds consist of 11.67 acres of land area. The Beauvoir School is a private elementary school and child development center which is located in the northwest quadrant of the Cathedral grounds.

3. Beauvoir is a four story brick structure. This school serves grades kindergarten through third. The kindergarten program also qualifies the school as a child development center. The structure contains classrooms, a library, gymnasium, dining and kitchen facilities, science room and reception area.

4. The applicant proposes to construct an addition to the existing facility basically within the confines of an internal courtyard. The addition will include a new science room, music room and connecting corridor which completes the internal circulation loop around the courtyard. An enlargement of the present reception area will also be added, and the existing covered entrance porch will be enclosed to provide greater energy efficiency and additional security. The proposal will be constructed of masonry materials thus mitigating a noise factor.

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5. Beauvoir school currently enrolls 350 students and employs a staff of 59. Neither the student enrollment or the staff employed are expected to increase because of the addition.

6. The school operates from 7:30 A.M. until 3:00 P.M. Children are dropped off and picked up on the Cathedral grounds directly in front of the school. The location of the drop-off and pick-up point is well removed from Woodley Road thus eliminating potential traffic congestion or safety hazards for the children.

7. Forty-six off-street parking spaces surround the facility. Additionally, the Cathedral grounds contain 350 parking spaces that are available for use should the school spaces be inadequate. Further, the site is well served by mass transportation.

8. The Cathedral was granted a Certificate of Occupancy, dated November 29, 1979, to operate an elementary school. The Certificate of Occupancy allows a maximum of 400 student and 47 employees. The school was granted a permit to operate a child care center dated, April 8, 1985. The applicant has complied with all applicable code and licensing requirements.

9. The applicants are before the Board of Zoning Adjustments (BZA) pursuant to Sub-section 8207.21. This section requires that in the case of a use that was originally permitted as a matter-of-right and for which the regulations now require special exception approval from the BZA any extension or enlargement of such use shall require special exception from the BZA.

10. Pursuant to the Zoning Regulations the Board submitted the application to the Office of Planning (OP) for review. The OP filed an untimely report, dated July 22, 1986. The Board waived its rules and allowed the report to be filed. The OP report recommended approval of the application. In the opinion of the OP the proposed renovation will not result in an intensification of use at the site, but will permit the school to utilize more efficiently existing on-site resources.

11. Pursuant to the Zoning Regulations the Board submitted the application to the District of Columbia Department of Public Works (DPW) and the District of Columbia Department of Consumer and Regulatory Affairs (DCRA) for review. Neither department submitted a report.

12. The Advisory Neighborhood Commission (ANC) 3-C in a letter dated July 3, 1986, informed the Board of their unanimous vote not to oppose the application.

13. The Board is required by law to give "great weight" to the issues and concerns of the ANC when those issues and concerns are reduced to writing. There were no issues and concerns of the ANC for the Board to consider.

14. The proposed addition has received conceptual design approval from the Historic Preservation Review Board.

15. There was no opposition to this application.

CONCLUSIONS OF LAW AND OPINION:

Based on the record, the Board concludes that the applicant is seeking a special exception the granting of which requires a showing through substantial evidence that the applicant has complied with the requirements of Paragraph 3101.41 and 3101.42 of the Zoning Regulations and that the relief requested pursuant to Sub-section 8207.2 can be granted as in harmony with the general purpose and intent of the Zoning Regulations and the relief will not tend to affect adversely the use of neighboring property. Paragraph 3101.41 permits a child development center use if approved by the BZA provided that:

- a. The center shall be capable of meeting all applicable code and licensing requirements.
- b. The center shall be so located and designed as to create no objectionable traffic condition and no unsafe condition for picking-up and dropping-off children.
- c. The center shall provide sufficient off-street parking spaces to meet the reasonable needs of teachers, other employees and visitors.
- d. The center, including any outdoor play space provided, is so located and designed that there will be no objectionable impacts on adjacent or nearby properties due to noise, activity, visual or other objectionable conditions. The Board may require such special treatment in the way of design, screening of buildings, planting and parking areas, signs or other requirements as it shall deem necessary to protect adjacent and nearby properties.
- e. Any off-site play area shall be located so as not to result in endangerment to the individuals in attendance at the center in traveling between such play area and the center itself.
- f. The Board may approve more than one child

development center in a square or within 1,000 feet of another child development center only when the Board finds that the cumulative effect of these facilities will not have an adverse impact on the neighborhood due to traffic, noise operations or other similar factors.

- g. Before taking final action on an application for such use, the Board shall submit the application to the D.C. Department of Human Services, D.C. Department of Transportation and the D.C. Office of Planning and Development for review and written reports. The referral to the D.C. Department of Human Services shall request advice as to whether the proposed center can meet all licensing requirements as set forth in the applicable laws of the District of Columbia.

Paragraph 3101.42 permits use as a private school if BZA approval is obtained, provided that:

- a. It is so located that it is not likely to become objectionable to adjoining and nearby property because of noise, traffic, number of students, or otherwise objectionable conditions;
- b. Ample parking spaces, but not less than that required in Article 72 of these regulations, is provided to accommodate the students, teachers, and visitors likely to come to the site by automobile.

The Board concludes that the applicant has substantially complied with the requirements of Paragraphs 3101.41 and 3101.42. The applicant has complied with code and licensing requirements and the addition will have no effect on their future compliance. The Beauvoir School is located within the grounds of the National Cathedral property, thus it is well removed from major streets. Likewise, the pick up and drop-off spots are located at the front of the school. The center provides sufficient off-street parking to meet the needs of teachers, staff and visitors.

Sub-section 7202.1 requires the applicant to provide two parking spaces for each three teachers and other employees. The applicant employs a total staff of 59 thereby necessitating the provision of 39 spaces. Further, there are over 350 parking spaces dispersed about the Cathedral grounds. These spaces are capable of accommodating spillover should the 42 spaces prove inadequate. The Board concludes that the provisions regarding off-site play areas and other child development centers in the same vicinity are not applicable. The school does not have an off-site play area and there is not a child development center within 1,000 feet of the school. The application was submitted to the OP,

DPW, and DCRA for review. The ANC addressed no issues for the Board to consider and give "great weight".

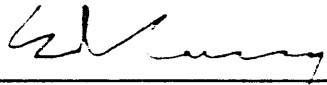
Accordingly, the Board ORDERS the application be GRANTED SUBJECT to the following CONDITIONS:

1. Student enrollment shall not be increased from 400 students.
2. The number of faculty and staff shall not be increased from 47.
3. The hours of operation shall not be extended from 7:30 A.M. to 3:00 P.M.

VOTE: 4-0 (William F. McIntosh, Paula L. Jewell, Charles R. Norris, and Carrie L. Thornhill to grant).

BY ORDER OF THE D.C. BOARD OF ZONING ADJUSTMENT

ATTESTED BY:


EDWARD L. CURRY
Acting Executive Director

FINAL DATE OF ORDER: AUG 29 1986

UNDER SUB-SECTION 8204.3 OF THE ZONING REGULATIONS, "NO DECISION OR ORDER OF THE BOARD SHALL TAKE EFFECT UNTIL TEN DAYS AFTER HAVING BECOME FINAL PURSUANT TO THE SUPPLEMENTAL RULES OF PRACTICE AND PROCEDURE BEFORE THE BOARD OF ZONING ADJUSTMENT."

THIS ORDER OF THE BOARD IS VALID FOR A PERIOD OF SIX MONTHS AFTER THE EFFECTIVE DATE OF THIS ORDER, UNLESS WITHIN SUCH PERIOD AN APPLICATION FOR A BUILDING PERMIT OR CERTIFICATE OF OCCUPANCY IS FILED WITH THE DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS.

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